

REMARKS

The following remarks are offered in complete response to the Official Action/Restriction Requirement dated May 18, 2007. In light of these remarks, reconsideration of the requirements and examination of all of the claimed subject matter on the merits are respectfully requested.

Claims 1-26 are pending in this application.

Claim 1 has been amended to recite that the dispersed particles comprise at least one metal oxide in the crystalline state, to use proper Markush group language and to clarify the language of the claim. Support for this amendment is found at least in paragraph [0025] in the published application (US 2006/0052241 A1). Claim 3 has been amended to clarify the claim language by use of a Markush group. Claim 4 has been amended to add two commas to make the sentence structure grammatically correct. Claims 7-10 have been amended to clarify the claim language by use of a Markush group. Claim 11 has been amended to use proper claim language. Claim 12 has been amended to specify that at least a portion of metallic ions of metal M are in the form of clusters. Support for this amendment is found at least in paragraph [0050] in the published application. Claims 13 and 14 have been amended to delete the word binder to have proper antecedent basis. Claims 15 and 16 have been amended to use proper claim language. Claim 17 has been amended to include the limitations of claim 1 and to clarify the claim language by use of a Markush group. Claim 18 has been amended to use proper claim language, to correct a typographical error and clarify the claim language by use of a Markush group. Claims 19 and 20 have been amended to use proper claim language and to correct a typographical error in reciting mol/l (i.e. moles per liter).

Claim 21 has been amended to clarify the wording to recite that the process further comprises repeating steps b) and c) on the solid obtained from the preceding cycle. Claim 22 has been amended to depend from claim 1 rather than claim 17. Claim 23 has been amended to clarify the claim language and to indicate that the composition is an absorption catalyst for nitrogen oxides. Support for this amendment is found at least in paragraph [0092] of the published application. Claim 24 has been amended to include the limitations of claim 1 and add the presence of a catalytic species which is supported by the material comprising a mineral phase. Support for this amendment is found at least in paragraph [0094] of the published application. Claim 25 has been amended to recite supporting at least one catalytic species on the material of claim 1. Support for this amendment is found at least in paragraph [0094] of the published application.

Claim 26 has been added. Claim 26 is analogous to claim 6 and includes the limitation deleted from claim 6. Support for this claim is found in the previous version of claim 6.

No new matter has been added in making these amendments.

Restriction has been required between Group I, Claims 1-7, 11-22, 24 and 25, drawn to a mesostructural material comprising particles of cerium oxide; Group II, Claims 1-6, 8, 11-22, 24 and 25, drawn to a mesostructural material comprising particles of zirconium oxide; Group III, Claims 1-6, 9, 11-22, 24 and 25, drawn to a mesostructural material comprising particles of titanium oxide; Group IV, Claims 1-6, 10-22, 24 and 25, drawn to a mesostructural material comprising particles of rare

earth oxide and Group V, Claim 23, drawn to a composite particle of cerium oxide and manganese.

Applicants hereby elect, with traverse, Group I, Claims 1-7, 11-22, 24 and 25, drawn to a mesostructural material comprising particles of cerium oxide. Claim 23, which has been amended to depend from Claim 1, should also be included in Group I.

For proper restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there would be a serious burden on the Examiner if restriction is not required. See M.P.E.P. § 803.

The Examiner has required an election of species from among the five groups of species established by the Examiner. The Examiner has taken the position that:

The inventions listed as Groups I-IV and V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features for the following reasons: The material of group I-IV is a mesostructured material comprising a mineral phase, which is a special technical feature that is lacking in the composition particle of group V. In addition, the structure of groups I-IV (mesostructure) is different from the structure of the Group V claim. The inventions listed as Groups I-IV do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the material of group I contains a cerium-oxide particle, which is different from the mesostructure of group II which contains zirconium oxide particle, which is different from the material of group III which contains a titanium oxide particle, which is different from the material of group IV in which the oxide particle is a rare-earth, and vice versa.

Applicants submit that under PCT Rule 13.2, an election of species from among the five groups of species is not required. PCT Rule 13.2 states:

PCT RULE 13.2 - Circumstances in Which the Requirement of Unity of Invention Is To Be Considered Fulfilled

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

There is a technical relationship among the inventions because they involve the same special technical feature, namely a mesostructural material comprising a mineral phase within which nano-scale particles of a metal oxide are dispersed. In other word, the same special technical feature is the "doping" of a metal oxide in the solid solution within a mesostructure, which is defined as a structured material having a spatial repeat period in the range of 2 to 50 nm. The five groups of claims established by the Examiner can be divided into two related sets. The first set comprises Groups I-IV. The claims of Groups I-IV all contain this same special technical feature and only differ in the identity of the metal oxide. The second set comprises Group V. The claim of Group V (Claim 23) has been amended to depend from Claim 1. Claim 23 is also directed to a mesostructural material comprising a mineral phase within which nano-scale particles of a metal oxide are dispersed, where the metal oxide (cerium oxide) integrates a metal (manganese) in the solid solution. Therefore Claim 23 should be examined with elected Group I. Therefore under PCT Rule 13.2, an election of species from among the five groups of species is not required because there is a technical relationship among the inventions by their involving the same special technical feature.

Applicants further submit that it is likely that the results of a search and examination of claims based on the same special technical feature which the claims share, namely a mesostructural material comprising a mineral phase within which nano-scale particles of a metal oxide are dispersed would produce references that disclose the metals comprising the metal oxides. Similarly a search for mesostructural material comprising a mineral phase within which nano-scale particles of a metal oxide are dispersed would produce references that disclose a mesostructural material comprising a mineral phase within which nano-scale particles of a cerium oxide are dispersed, where the cerium oxide integrates manganese in the solid solution. Thus, Applicants submit that search and examination of the subject matter for a mesostructural material comprising a mineral phase within which nano-scale particles of a metal oxide are dispersed would likely produce references that disclose all of the groups established by the Examiner, and any additional search would not impose a serious burden on the Examiner.

The election of species requirement is also traversed because election of species normally presupposes that no generic claims is allowable, and no art has been adduced which would militate against the allowance of a generic claim here, such as, for example, one of Claim 1.

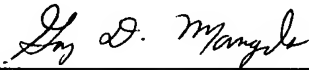
For at least all of the reasons given above, reconsideration and withdrawal of the restriction requirement and examination of all of the claims on the merits are respectfully requested. The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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